

The background of the slide features four white, three-dimensional human figures standing in a circle, holding hands. They are rendered in a simple, stylized manner with visible joints and shadows, giving them a sculptural appearance. The entire scene is set against a solid, vibrant blue background. A semi-transparent white rectangular box is positioned at the bottom of the image, containing the text "Human Rights".

Human Rights

Introduction



- The concept of Human Rights has assumed importance globally.
- Accepted by all states regardless of historical, cultural, ideological, economic and other differences.
- A series of basic, fundamental and essential rights- civil, social, economic, cultural and political in nature which are recognised, guaranteed and protected in the form of Fundamental rights by the state to its citizens and other persons within its territory through Constitution and laws.
- Human rights are rights held by individuals because they are part of human species.
- Four pillars – Liberty, Equality, Fraternity, Dignity
- Shared equally by everyone regardless of sex, race, nationality and economic background.

Meaning of Human Rights



- ❑ A right means a legal claim, or a privilege of an individual to do something or not to do something, or to have or not to have something , to which the individual is legally entitled to.
- ❑ Rights consist in claims of individuals and groups on and against the state, which are secured through legal and constitutional mechanisms.
- ❑ “Rights are those conditions of social life, without which no man can be his best self.”- Prof. Laski
- ❑ Rights are essential for the development of individuals personality and full realization of their potentialities.

Nature of Human Rights (Outstanding Features)



- ☐ Rights are Social in nature and guaranteed and protected by a politically organized society (state).
- ☐ Rights and Duties are co-related.
- ☐ Rights are Never Absolute. It can be limited by the state in the interest of common good.
- ☐ Rights are Universal in nature. They are enjoyed by all irrespective of caste, colour, class, sex, place of birth, educational qualifications.
- ☐ Rights are Dynamic in nature. The dimensions of the human rights go on expanding with the socio-economic-cultural and political developments within the state.

Nature of Human Rights ...continues



- ☐ Human Rights are evolutionary in nature. Intellectual origins can be traced in the theory of Natural Rights (Hobbes, Locke, Rousseau). Evolution and development of Human Rights may be traced to-
- ☐ The Magna Carta (the Great Charter), 1215 of England
- ☐ The English Bill of Rights, 1689
- ☐ The American Declaration of Declaration, 1776
- ☐ The French Declaration of Rights of Men and of Citizens, 1789
- ☐ The American Bill of Rights, 1791
- ☐ UDHR (Universal Declaration of Human Rights), 1948

Negative and Positive Rights



Philosophers and political theorists make a distinction between negative and positive rights. Isaiah Berlin defines rights in terms of positive liberties and negative freedoms.

A “negative right” restrains other persons or governments by limiting their actions toward or against the right holder. In other words, it enables the right holder to be left alone in certain areas. A negative right is a right not to be subjected to an action of another person or group; negative rights permit or oblige inaction.

Rights considered *negative rights* may include civil and political rights such as freedom of speech, life, private property, freedom from violent crime, freedom of religion, *habeas corpus*, a fair trial, freedom from slavery.



A positive right is a right to be subjected to an action or another person or group; positive rights permit or oblige action. Positive rights provide the right holder with a claim against another person or the state for some good, service, or treatment.

Rights considered *positive rights*, may include other civil and political rights such as police protection of person and property and the right to counsel, as well as economic, social and cultural rights such as food, housing, public education, employment, national security, military, health care, social security, and a minimum standard of living.

Classification of Human Rights



According to the UN document rights have been broadly classified into two categories-

A. **Civil and Political Rights**

B. **Socio-economic and Cultural Rights**

Civil and Political Rights



Some of the important Civil and Political Rights as mentioned in the **UDHR and ICCPR** (International Covenant on Civil and Political Rights) are as follows:

- Right to Life
- Right to Liberty
- Equality before law and equal protection of law
- Right to a Nationality
- Right to Fair Trial
- Right against Torture
- Right against Slavery

Civil and Political Rights continues...



- Right to Political Participation- includes right to vote as well as to contest election and hold public office
- Right to freedom of Thought, Conscience and Religion
- Right to Freedom of Speech and Expression
- Right to Freedom of Movement
- Right to Peaceful Assembly
- Right to Association

Socio-Economic and Cultural Rights



Some of the important Socio-Economic and Cultural Rights recognised by the UDHR and ICESCR(International Covenant on Economic, Social and Cultural rights) are as follows:

- Right to Work
- Right to Just and Favourable Conditions of work
- Right to Social Security
- Right to marriage
- Right to an Adequate Standard of Living

Socio-Economic and Cultural Rights continues...



- Right to Physical and Mental Health
- Right to benefit from Science
- Right to Intellectual Property

Classification of Human Rights as Three Generation of Rights



The Czech jurist Karel Vasak has classified human rights as three generation of rights according to the French Revolution slogan-

Liberty, Equality and Fraternity

1.The First Generation Rights- are liberty oriented rights .It refers to Civil and Political Rights which developed during the 18th and 19th centuries based on the theories of Natural rights. The UDHR AND ICCPR provide for a number of civil and political rights.

Classification of Human Rights as Three Generation of Rights



2. **The Second Generation Rights** – are equality oriented rights. It refers to Economic, Social and cultural rights. It appeared in the early 20th century . The UDHR and ICESCR provide for important economic , social and cultural rights.
 3. **The Third Generation Rights** – are fraternity or solidarity rights . They are called solidarity rights as their implementation depends on the international cooperation., for example- **Right to Development, Right to Healthy Environment, Right to Peace** etc.
- . In relation to the three generations of human rights,



Universal Declaration of Human Rights

December 10, 1948

Universal Declaration of Human Rights



For centuries, philosophers have been striving to define what now have become widely accepted concepts for human rights



Public domain

Universal Declaration of Human Rights



But it was the widespread barbarity of World War II that inspired activists to demand an international standard for human rights

Dept. of Defense

Universal Declaration of Human Rights



In late 1945, leaders of the world's nations met in San Francisco to form the United Nations. Inspired by the great South African pre-apartheid leader Field-Marshal Smuts, they included in the preamble to the Charter of the United Nations an important reference to human rights. (provisions.) The relevant part of the preamble said:

Dept. of Defense

“ We the Peoples of the United Nations are determined to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and

Universal Declaration of Human Rights



In 1945, the newly established United Nations began work on defining human rights in a document that could transcend cultural differences and find widespread acceptance.



Universal Declaration of Human Rights



The Commission on Human Rights, chaired by Eleanor Roosevelt, produced 30 articles defining the fundamental freedoms and rights of every human being.



U.N. Photo

Universal Declaration of Human Rights



The Universal Declaration of Human Rights (UDHR) was adopted by the U.N. General Assembly on December 10, 1948.



Universal Declaration of Human Rights



The UDHR is not a binding document. But it is a powerful tool in applying diplomatic and moral pressure on governments that violate any of its articles.



Universal Declaration of Human Rights



Provisions of UDHR

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Article 1

- All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Universal Declaration of Human Rights



Provisions of UDHR

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Article 2

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a

Universal Declaration of Human Rights



Provisions of UDHR

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Civil and Political Rights (Articles 3-21)

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in

Universal Declaration of Human Rights



Provisions of UDHR

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Civil and Political Rights (Articles 3-21)

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Universal Declaration of Human Rights



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Civil and Political Rights (Articles 3-21)

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination

Universal Declaration of Human Rights



Provisions of UDHR

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Civil and Political Rights (Articles 3-21)

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Universal Declaration of Human Rights



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Civil and Political Rights (Articles 3-21)

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

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Civil and Political Rights (Articles 3-21)

Article 11

- (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
- (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law at the time when it was

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Civil and Political Rights (Articles 3-21)

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Universal Declaration of Human Rights



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Civil and Political Rights (Articles 3-21)

Article 13

- (1) Everyone has the right to freedom of movement and residence within the borders of each state
- (2) Everyone has the right to leave any country, including his own, and to return to his country

Universal Declaration of Human Rights



Provisions of UDHR

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Civil and Political Rights (Articles 3-21)

Article 14

- (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution
- (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations

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Civil and Political Rights (Articles 3-21)

Article 15

- (1) Everyone has the right to a nationality
- (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality

Universal Declaration of Human Rights



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Civil and Political Rights (Articles 3-21)

Article 16

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses

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Civil and Political Rights (Articles 3-21)

Article 17

- (1) Everyone has the right to own property alone as well as in association with others.
- (2) No one shall be arbitrarily deprived of his property.

Universal Declaration of Human Rights



Provisions of UDHR

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Civil and Political Rights (Articles 3-21)

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Universal Declaration of Human Rights



Provisions of UDHR

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Civil and Political Rights (Articles 3-21)

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Universal Declaration of Human Rights



Provisions of UDHR

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Civil and Political Rights (Articles 3-21)

Article 20

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Universal Declaration of Human Rights



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Civil and Political Rights (Articles 3-21)

Article 21

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in

Universal Declaration of Human Rights



Provisions of UDHR

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Economic, Social and Cultural Rights (Articles 22-27)

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development

Universal Declaration of Human Rights



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Economic, Social and Cultural Rights (Articles 22-27)

Article 23

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

Universal Declaration of Human Rights



Provisions of UDHR

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Economic, Social and Cultural Rights (Articles 22-27)

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay

Universal Declaration of Human Rights



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Economic, Social and Cultural Rights (Articles 22-27)

Article 25

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control

(2) Motherhood and childhood are entitled to special

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Economic, Social and Cultural Rights (Articles 22-27)

Article 26

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial

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Economic, Social and Cultural Rights (Articles 22-27)

Article 27

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

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Solidarity or Group Right

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

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Provisions of UDHR

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Article 29

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society

(3) These rights and freedoms may in no case be exercised

Universal Declaration of Human Rights



Provisions of UDHR

Article 30

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Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Universal Declaration of Human Rights



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**THE KEY MESSAGES OF THE UNIVERSAL DECLARATION
ARE THAT HUMAN RIGHTS ARE:**

- **Universal**
- **Equal**
- **Interdependent & indivisible**
- **Inalienable**

Universal Declaration of Human Rights



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- UDHR is not a binding document
- In 1966, the United Nations General Assembly adopted the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR)
- These are binding documents for the signatories
- These two covenants, the optional protocols, along

Universal Declaration of Human Rights

HOW DOES THE UDHR PROTECT HUMAN RIGHTS?

The UDHR is an international statement of values that has inspired over 80 treaties containing human rights laws, including the main UN human rights treaties

